

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild

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Monica Alaez

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Ignacio MELENDEZ HUERTA

Case: 2:23-mj-30075

Assigned To : Unassigned

Assign. Date : 2/17/2023

CMP: USA v MELENDEZ HUERTA (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 31, 2023 in the county of Wayne in theEastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about January 31, 2023, in the Eastern District of Michigan, Southern Division, Jose Ignacio MELENDEZ HUERTA an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about March 21, 2018 at or near San Luis, AZ and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

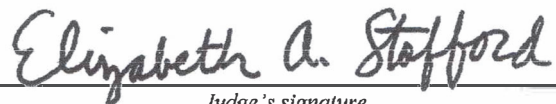
☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 17, 2023City and state: Detroit, MI

Complainant's signature

Monica Alaez, Deportation Officer

Printed name and title

Judge's signature

Elizabeth A. Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Monica Alaez, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since March 2009. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the immigration records and system automated data relating to Jose Ignacio MELENDEZ HUERTA, which reveal the following:
2. Jose Ignacio MELENDEZ HUERTA is a thirty-two-year-old citizen and native of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security. This affidavit is submitted for the limited purpose of establishing probable cause of Unlawful Reentry to the United States, a violation of 8 U.S.C. § 1326(a).
3. On or about May 28, 2006, and June 1, 2006, the United States Border Patrol encountered MELENDEZ HUERTA and granted him voluntary return to Mexico.
4. On or about April 1, 2007, the Detroit Police Department arrested MELENDEZ HUERTA following a traffic stop for weapons-carrying concealed.
5. On or about March 20, 2012, Customs Border Patrol in Detroit, Michigan encountered MELENDEZ HUERTA while performing outbound operations and served him a Notice to Appear. On or about March 28, 2012, the Immigration Judge granted MELENDEZ HUERTA voluntary departure. On or about April 4, 2012, MELENDEZ HUERTA departed the United States to Mexico from the Metropolitan Detroit airport.
6. On or about October 15, 2017, the Detroit Police Department arrested MELENDEZ HUERTA for assault.

7. On or about October 17, 2017, ICE ERO Detroit arrested MELENDEZ HUERTA and served him a Notice to Appear. On or about November 13, 2017 the Immigration Judge in Detroit, Michigan ordered MELENDEZ HUERTA removed from the United States to Mexico. On November 29, 2017, ICE ERO removed MELENDEZ HUERTA to Mexico from the United States via JPATs flight from Alexandria, Louisiana.
8. On or about February 9, 2018, the United States Border Patrol, at or near Chula Vista, California, apprehended MELENDEZ HUERTA. On or about February 11, 2018, U.S. Border Patrol served MELENDEZ HUERTA with a Notice of Intent / Decision to Reinstate Prior Order. On or about February 12, 2018, ICE ERO removed MELENDEZ HUERTA from the United States to Mexico via the San Luis, Arizona, port of entry.
9. On or about February 16, 2018, the United States Border Patrol, at or near Chula Vista, California, apprehended MELENDEZ HUERTA. On or about February 17, 2018, U.S. Border Patrol served MELENDEZ HUERTA with a Notice of Intent / Decision to Reinstate Prior Order. On or about February 19, 2018, ICE ERO removed MELENDEZ HUERTA from the United States to Mexico via the San Luis, Arizona, port of entry.
10. On or about February 24, 2018, the United States Border Patrol, at or near Chula Vista, California apprehended MELENDEZ HUERTA. On or about February 25, 2018, U.S. Border Patrol served MELENDEZ HUERTA with a Notice of Intent / Decision to Reinstate Prior Order. On or about February 27, 2018, ICE ERO removed MELENDEZ HUERTA from the United States to Mexico via the Calexico, California, port of entry.
11. On or about March 18, 2018, the United States Border Patrol, at or near Chula Vista, California, apprehended MELENDEZ HUERTA. On or about March 19, 2018, U.S. Border Patrol served MELENDEZ HUERTA with a Notice of Intent / Decision to Reinstate Prior Order. On or about March 21, 2018, ICE ERO removed MELENDEZ HUERTA from the United States to Mexico via the San Luis, Arizona, port of entry.

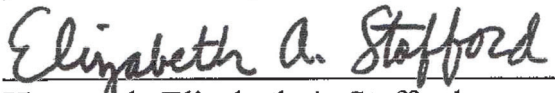
12. On or about January 29, 2023, the River Rouge Police Department, in Michigan, arrested MELENDEZ HUERTA for domestic violence-simple assault. The incident involved the girlfriend of MELENDEZ HUERTA. According to the police report, MELENDEZ HUERTA struck the victim several times and threatened to kill her. The assault occurred at the victim's residence, where MELENDEZ HUERTA also resided.
13. On or about January 31, 2023, ICE ERO placed a detainer on MELENDEZ HUERTA at the River Rouge Police Department. On or about February 1, 2023, ICE ERO Detroit transported MELENDEZ HUERTA from the Jackson County Jail to the Detroit ICE Field Office and served him with a Notice of Intent /Decision to Reinstate prior order. ICE searched his fingerprints in government electronic systems resulting in a positive match for Jose Ignacio MELENDEZ HUERTA, DOB XX/XX/1990, AXXX XXX 611, a previously removed alien.
14. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
15. ICE officers reviewed immigration file records and Department of Homeland Security electronic records, indicating that Jose Ignacio MELENDEZ HUERTA AXXX XXX 611, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
16. Based on the above information, I believe there is probable cause to conclude that Jose Ignacio MELENDEZ HUERTA, is an alien who was found in or reentered the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to reapply for admission to

the United States, in violation of Title 8, United States Code, Section 1326(a).



Monica Alaez, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Elizabeth A. Stafford
United States Magistrate Judge